



Water Quality Protection Charge Appeal Factsheet

Stream valleys in which large numbers of sidewalks, parking lots, buildings, and other impervious (nonpermeable) surfaces exceed ten percent of their total area routinely show impairment for water quality¹. The Water Quality Protection Charge (WQPC) calculations are based on an average amount of imperviousness for residential properties, with actual impervious surface area calculations then used for Associated Nonresidential property owners. The correlation between impervious surfaces and degraded water quality is why imperviousness is used as the basis for calculating the charge.

Single family residences and town home communities pay a flat fee (single family dwellings \$12.75; townhomes \$4.21) as provided for by law. The base unit of the charge, the Equivalent Residential Unit² (ERU), is based on an average square footage of imperviousness of a statistically valid sample of Montgomery County residences. Therefore an appeal of the charge should not be necessary. However, multifamily dwellings and Associated Nonresidential property owners pay the fee based on the actual amount of imperviousness at their property. It is possible that the information used to calculate the imperviousness is incorrect; therefore, an appeal process has been created to ensure a correct calculation.

The Water Quality Protection Charge for Associated Nonresidential and Multifamily Property Owners is calculated by dividing the amount of imperviousness contained in parking lot, roof area, and walkways or patios by the

ERU, the base unit of imperviousness (2,406 square feet), and multiplying the result by the rate. The amount of imperviousness is determined through the use of aerial photos and a Geographic Information System. If a property owner believes that the County's calculation is in error, they may petition the Director of Environmental Protection within 21 days after receiving the bill.

Chapter 19 of the Montgomery County Code authorizes a procedure by which property owners may appeal the assignment or calculation of the Water Quality Protection Charge. Executive Regulations 6-02 AM specifies steps the property owner must take to submit an appeal. The appeal for an adjustment must include:

- a) a detailed statement of the basis for the petition;
- b) documents supporting the reclassification to an exempt or different class;
- c) documents showing the correct impervious area;
- d) documents demonstrating that the property is not subject to the charge.

The Director of the Department of Environmental Protection must review the Charge assigned within 60 days after receiving the petition and make a written decision of whether the property owner's request for an adjustment should be granted or denied. The Director may request additional information from the property owner that the Director reasonably believes will help determine whether the property owner is entitled to an adjustment.

If the Director concludes that some or all of the requested adjustment should be denied, the property owner may seek reconsideration of the Director's conclusion by submitting a written request for reconsideration with supporting reasons to the Director within ten (10) days after the date of the Director's written decision.

If the Director does not approve the request for reconsideration, the property owner may appeal the Director's final decision within ten (10) days after the Director issues that decision. The County Board of Appeals is the designated authority charged with hearing and deciding all appeals taken from the Director's final decision to deny any relief requested in the previously described appeals process.

1. Schueler, T. 2000, "The Importance of Imperviousness," The Practice of Watershed Protection Center for Watershed Protection, Ellicott City, Maryland, 742 pp.

2. Equivalent Residential Unit. The average amount of imperviousness contained in walkway, driveway, and roof of a single family dwelling. An ERU is determined to be 2,406 square feet in Montgomery County, Maryland.

For more information:



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We've got answers!